

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of

Distribution of the 2011
Cable Royalty Funds

Docket No. 2012-9 CRB CD 2011

ORDER GRANTING PHASE I CLAIMANTS' MOTION
FOR PARTIAL DISTRIBUTION OF 2011 CABLE ROYALTY FUNDS

On January 18, 2013, the Copyright Royalty Judges ("Judges") published in the **Federal Register** a Notice¹ soliciting comments on a December 12, 2012, Motion of Phase I Claimants for Partial Distribution of the 2011 cable royalty funds ("Motion") under section 801(b)(3)(C) of the Copyright Act. The claimants are seeking a partial distribution of 50 percent of those funds.² In particular, the notice solicited comments on whether there are reasonable objections to the requested distribution. The notice also solicited comments on whether there would be any Phase I or Phase II controversies with respect to the remaining funds if the motion were granted.

¹ 78 FR 4169. The Phase I Claimants are the Program Suppliers, Joint Sports Claimants, Public Television Claimants, Commercial Television Claimants (represented by National Association of Broadcasters), Music Claimants (represented by American Society of Composers, Authors and Publishers, Broadcast Music, Inc., and SESAC, Inc.), Canadian Claimants, National Public Radio, and the Devotional Claimants.

² In support of their Motion, the Phase I Claimants assert that all of the preconditions of section 801(b)(3)(C) of the Copyright Act have been or will be satisfied prior to distribution.

That section provides that:

[T]he [J]udges, at any time after the filing of claims under section 111, 119, or 1007, may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the [Judges] conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—

- (i) agree to the partial distribution;
- (ii) sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the fees made under subparagraph (B);
- (iii) file the agreement with the Copyright Royalty Judges; and
- (iv) agree that such funds are available for distribution.

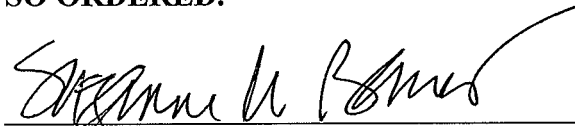
In response to the notice the Judges received joint comments from the Phase I Claimants and BMI and ASCAP, and individual comments from the Canadian Claimants Group, Commercial Television Claimants, Devotional Claimants, Joint Sports Claimants, National Public Radio, Program Suppliers, Public Television Claimants, Independent Producers Group ("IPG"), and Word of God Fellowship, Inc. (dba Daystar Television Network). No commenter stated a reasonable objection to the proposed distribution, although some noted various outstanding controversies with respect to the 2011 cable royalty funds.

Therefore, the Motion is **GRANTED**.

Wherefore, **THE JUDGES ORDER** that 50% of the cable royalties held in the 2011 funds shall be distributed in the manner set forth in Attachment A to the Motion, which is appended to this Order.

The Copyright Office shall make such a distribution **PROVIDED THAT** each of the parties receiving a share of these funds provides to the Copyright Office a signed agreement prepared by the Copyright Royalty Board stating that the recipient shall repay to the Copyright Office any overpayment that results from the distribution of these funds, together with interest according to the amount that would have accrued if the principal had remained in the fund. In addition, all pertinent information to effect the transfer of funds must be provided to the Licensing Division of the Copyright Office no later than April 18, 2013. The distribution shall take place on or after April 25, 2013.

SO ORDERED.



Suzanne M. Barnett
Chief U.S. Copyright Royalty Judge

DATED: March 13, 2013

ATTACHMENT A

CABLE ROYALTY DISTRIBUTION
2004-2005 BLENDED PERCENTAGES¹

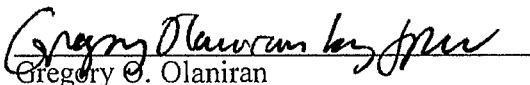
A partial distribution of 50% of the 2011 Funds should be distributed in the following percentages: NPR should first receive 0.18% of the entire amount to be distributed after which the remaining amount should be distributed as follows:

<u>CLAIMANT GROUP</u>	<u>ROYALTY FUND</u>		
	<u>BASIC</u>	<u>3.75</u>	<u>SYNDEX</u>
Program Suppliers	33.7%	36.8%	96.2%
Joint Sports Claimants	33.8%	36.9%	0.0%
U.S. Commercial Television (NAB)	16.1%	17.5%	0.0%
Public Television	7.3%	0.0%	0.0%
Music Claimants	3.8%	3.8%	3.8%
Devotional Claimants	3.4%	3.7%	0.0%
Canadian Claimants	1.9%	1.3%	0.0%


¹ These percentages have been adjusted consistent with the Copyright Royalty Judges' Order for the final distribution of 2004-2005 cable royalties. *See Order, In the Matter of Distribution of the 2004 and 2005 Cable Royalty Funds*, Dkt. No. 2007-3 CRB CD 2004-2005 (July 21, 2010), 75 Fed. Reg. 57063 (Sept. 17, 2010).

Respectfully submitted,

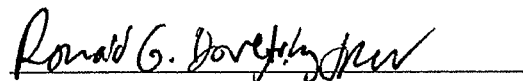
PROGRAM SUPPLIERS


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JOINT SPORTS CLAIMANTS

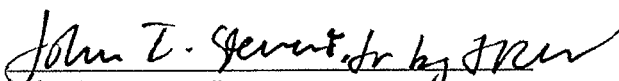

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2012-9 Phase I

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Dated: December 12, 2012

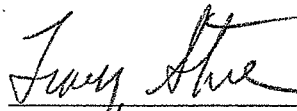
CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of December 2012, a copy of the foregoing Motion of Phase I Claimants for Partial Distribution of the 2011 Cable Royalty Funds was sent by Federal Express to the individuals listed below:

Brian D. Boydston
Pick & Boydston LLP
10786 Le Conte Avenue
Los Angeles, CA 90024

Gregory H. Guillot, PC
13455 Noel Road
Suite 1000
Dallas, TX 75240 USA

Mailed



Troy Strunkey

Keys, LaKeshia

From: Keys, LaKeshia
Sent: Wednesday, March 13, 2013 5:08 PM
Subject: 2012-9 CRB CD 2011 Order
Attachments: 3-13-13 Order Granting Phase I Claimants Motion for Partial Distirbution 2011 CRF.pdf

Attached please find the 2012-9 CRB CD 2011 Order Granting Phase I Claimants Motion for Partial Distribution of 2011 Cable Royalty Funds.

Please reply back as confirmation that you received this email.

**Thanks,
Copyright Royalty Board**

Gregory Guillot, PC
13455 Noel Road, Suite 1000
Dallas, TX 75240

Keys, LaKeshia

From: Microsoft Exchange
To: Barnett, Suzanne; Roberts, William
Sent: Wednesday, March 13, 2013 5:08 PM
Subject: Delivered: 2012-9 CRB CD 2011 Order

Your message has been delivered to the following recipients:

Barnett, Suzanne

Roberts, William

Subject: 2012-9 CRB CD 2011 Order

Sent by Microsoft Exchange Server 2007

Keys, LaKeshia

From: Microsoft Exchange
To: Brian Boydston; clifford harrington; George Grange II; Jonathan McCants; L.Kendall Satterfield; Lewis, Greg; Liu, Kenneth; Lutzker, Arnie; ted@copyrightroyalties.com; W. Thad Adams; W.Thad Adams; Jonathan McCants
Sent: Wednesday, March 13, 2013 5:08 PM
Subject: Relayed: 2012-9 CRB CD 2011 Order

Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:

Brian Boydston

clifford harrington

George Grange II

Jonathan McCants

L.Kendall Satterfield

Lewis, Greg

Liu, Kenneth

Lutzker, Arnie

ted@copyrightroyalties.com

W. Thad Adams

W.Thad Adams

Jonathan McCants

Subject: 2012-9 CRB CD 2011 Order

Alan
Carrett

Sent by Microsoft Exchange Server 2007

Keys, LaKeshia

From: Greg Lewis [glewis@npr.org]
Sent: Wednesday, March 13, 2013 5:09 PM
To: crb
Subject: RE: 2012-9 CRB CD 2011 Order


LaKeshia:

I received the Order.

Thanks.

Greg

Gregory A. Lewis
Deputy General Counsel
National Public Radio, Inc.

 635 Massachusetts Avenue NW|Washington DC 20001-3753|202.513.2050 phone|202.513.3021 fax| glewis@npr.org e-mail|

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From: Keys, LaKeshia [<mailto:lkey@loc.gov>]
Sent: Wednesday, March 13, 2013 5:08 PM
Subject: 2012-9 CRB CD 2011 Order

Attached please find the 2012-9 CRB CD 2011 Order Granting Phase I Claimants Motion for Partial Distribution of 2011 Cable Royalty Funds.

Please reply back as confirmation that you received this email.

Thanks,
Copyright Royalty Board

Keys, LaKeshia

From: L. Kendall Satterfield [ksatterfield@finkelsteinthompson.com]
Sent: Wednesday, March 13, 2013 5:21 PM
To: crb
Subject: RE: 2012-9 CRB CD 2011 Order

Sent from my Windows Phone

From: Keys, LaKeshia
Sent: 3/13/2013 5:07 PM
Subject: 2012-9 CRB CD 2011 Order

Attached please find the 2012-9 CRB CD 2011 Order Granting Phase I Claimants Motion for Partial Distribution of 2011 Cable Royalty Funds.

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Thanks,
Copyright Royalty Board

Keys, LaKeshia

From: Arnold Lutzker [arnie@lutzker.com]
Sent: Wednesday, March 13, 2013 5:08 PM
To: Keys, LaKeshia
Subject: Out of Office: 2012-9 CRB CD 2011 Order

I will be out of the office until March 23 with limited email access.

If you need immediate assistance, please contact allison@lutzker.com, jeannette@lutzker.com or ben@lutzker.com, or call 202-408-7600 and press extension for Allison (x4), Jeannette (x3) or Ben (x6).

Arnold P. Lutzker
Lutzker & Lutzker LLP
1233 20th Street, NW
Suite 703
Washington, DC 20036
Tel. 202-408-7600 Ext. 1
Fax 202-408-7677
Email: arnie@lutzker.com
Website: www.lutzker.com

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Keys, LaKeshia

From: Kenneth Liu [KEL@GG-Law.com]
Sent: Wednesday, March 13, 2013 5:47 PM
To: crb
Subject: Re: 2012-9 CRB CD 2011 Order

Received

>>> "Keys, LaKeshia" <lkey@loc.gov> 3/13/2013 5:07 PM >>>

Attached please find the 2012-9 CRB CD 2011 Order Granting Phase I Claimants Motion for Partial Distribution of 2011 Cable Royalty Funds.

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Thanks,

Copyright Royalty Board

Keys, LaKeshia

From: Brian D. Boydston, Esq. [brianb@ix.netcom.com]
Sent: Wednesday, March 13, 2013 9:24 PM
To: crb
Subject: Re: 2012-9 CRB CD 2011 Order

Yes, we received this.
Brian Boydston

-----Original Message-----

From: "Keys, LaKeshia"
Sent: Mar 13, 2013 2:07 PM
To:
Subject: 2012-9 CRB CD 2011 Order

Attached please find the 2012-9 CRB CD 2011 Order Granting Phase I Claimants Motion for Partial Distribution of 2011 Cable Royalty Funds.

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Thanks,
Copyright Royalty Board

Keys, LaKeshia

From: Arnold Lutzker [arnie@lutzker.com]
Sent: Thursday, March 14, 2013 7:27 PM
To: crb
Subject: Re: 2012-9 CRB CD 2011 Order

I received the Order. Thanks.
Arnie Lutzker

Sent from my iPhone

On Mar 14, 2013, at 8:07 AM, "Keys, LaKeshia" <lkey@loc.gov> wrote:

Attached please find the 2012-9 CRB CD 2011 Order Granting Phase I Claimants Motion for Partial Distribution of 2011 Cable Royalty Funds.

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Thanks,

Copyright Royalty Board

<3-13-13 Order Granting Phase I Claimants Motion for Partial Distribution 2011 CRF.pdf>

Keys, LaKeshia

From: crb
Sent: Wednesday, March 20, 2013 4:04 PM
Cc: crb
Subject: FW: 2012-9 CRB CD 2011 Order
Attachments: 3-13-13 Order Granting Phase I Claimants Motion for Partial Distribution 2011 CRF.pdf

Sorry if you didn't receive this Order..my apologies if you received it twice.

Attached please find the 2012-9 CRB CD 2011 Order Granting Phase I Claimants Motion for Partial Distribution of 2011 Cable Royalty Funds.

Please reply back as confirmation that you received this email.

LaKeshia

Program Specialist

Copyright Royalty Board

Keys, LaKeshia

From: Microsoft Exchange
To: Gregory Olaniran; Lucy Holmes Plovnick; Robert Garrett; Stephen Marsh; Dove, Ronald; Stewart, John; Samuel Mosenkis; Joan McGivern; Dimona, Joseph; Michael Remington; Jeffrey Lopez; John Beiter
Sent: Wednesday, March 20, 2013 4:04 PM
Subject: Relayed: FW: 2012-9 CRB CD 2011 Order

Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:

Gregory Olaniran

Lucy Holmes Plovnick

Robert Garrett

Stephen Marsh

Dove, Ronald

Stewart, John

Samuel Mosenkis

Joan McGivern

Dimona, Joseph

Michael Remington

Jeffrey Lopez

John Beiter

Subject: FW: 2012-9 CRB CD 2011 Order

Sent by Microsoft Exchange Server 2007

Keys, LaKeshia

From: Marsh, Stephen K. [Stephen.Marsh@aporter.com]
Sent: Wednesday, March 20, 2013 4:04 PM
To: crb
Subject: Out of Office: 2012-9 CRB CD 2011 Order

I will be out of the office on March 18-19 with limited email access during the day. I will return emails in the evening. If you have an urgent question, please contact my assistant, Sherye Sandall, at 202.942.5148.

Best regards,

Steve Marsh

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Keys, LaKeshia

From: Marsh, Stephen K. [Stephen.Marsh@aporter.com]
Sent: Wednesday, March 20, 2013 4:08 PM
To: crb
Subject: Re: 2012-9 CRB CD 2011 Order

Sent from my iPhone

On Mar 20, 2013, at 4:04 PM, "crb" <crb@loc.gov> wrote:

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LaKeshia

Program Specialist

Copyright Royalty Board

<3-13-13 Order Granting Phase I Claimants Motion for Partial Distirbution 2011 CRF.pdf>

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Keys, LaKeshia

From: Plovnick, Lucy [lhp@msk.com]
Sent: Wednesday, March 20, 2013 4:07 PM
To: crb
Cc: Olaniran, Greg
Subject: RE: 2012-9 CRB CD 2011 Order

Thanks! Program Suppliers did not receive this order previously, but I can confirm that we received it today.

Lucy Holmes Plovnick | Partner | Mitchell Silberberg & Knupp LLP | 1818 N Street NW, 8th Floor, Washington, DC 20036 | direct: 202.355.7918 | fax: 202.355.7888 | lhp@msk.com | www.msk.com

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From: crb [<mailto:crb@loc.gov>]
Sent: Wednesday, March 20, 2013 4:04 PM
Cc: crb
Subject: FW: 2012-9 CRB CD 2011 Order

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Attached please find the 2012-9 CRB CD 2011 Order Granting Phase I Claimants Motion for Partial Distribution of 2011 Cable Royalty Funds.

Please reply back as confirmation that you received this email.

LaKeshia
Program Specialist
Copyright Royalty Board

Keys, LaKeshia

From: Lopez, Jeffrey J. [Jeffrey.Lopez@dbr.com]
Sent: Wednesday, March 20, 2013 4:04 PM
To: crb
Subject: Automatic reply: 2012-9 CRB CD 2011 Order

From March 20 through April 1 I will be out of the office with only intermittent access to e-mail. During this time, I will respond to your message as I am able. If you need a more immediate response, please contact my assistant Gerri Warner-Shelton by phone at 202-842-8822 or by e-mail at gerri.warner-shelton@dbr.com.

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Keys, LaKeshia

From: Sam Mosenkis [smosenkis@ascap.com]
Sent: Wednesday, March 20, 2013 4:12 PM
To: crb
Subject: Re: 2012-9 CRB CD 2011 Order

Received

From: crb [mailto:crb@loc.gov]
Sent: Wednesday, March 20, 2013 01:04 PM
Cc: crb <crb@loc.gov>
Subject: FW: 2012-9 CRB CD 2011 Order

Sorry if you didn't receive this Order..my apologies if you received it twice.

Attached please find the 2012-9 CRB CD 2011 Order Granting Phase I Claimants Motion for Partial Distribution of 2011 Cable Royalty Funds.

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LaKeshia
Program Specialist
Copyright Royalty Board

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Keys, LaKeshia

From: crb
Sent: Wednesday, March 20, 2013 4:15 PM
To: 'Stewart, John'; crb
Cc: Mace, Ann; crb
Subject: RE: 2012-9 CRB CD 2011 Order

Did you receive the Satellite order, it was sent out the same day?

Thanks,
Copyright Royalty Board

From: Stewart, John [<mailto:JStewart@crowell.com>]
Sent: Wednesday, March 20, 2013 4:14 PM
To: crb
Cc: Mace, Ann
Subject: RE: 2012-9 CRB CD 2011 Order

LaKeisha - I received your email today. We did not receive the cable order last week when it was issued.

John I. Stewart, Jr.
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202 628-5116 (fax)
jstewart@crowell.com
www.crowell.com

From: crb [<mailto:crb@loc.gov>]
Sent: Wednesday, March 20, 2013 4:04 PM
Cc: crb
Subject: FW: 2012-9 CRB CD 2011 Order

Sorry if you didn't receive this Order..my apologies if you received it twice.

Attached please find the 2012-9 CRB CD 2011 Order Granting Phase I Claimants Motion for Partial Distribution of 2011 Cable Royalty Funds.

Please reply back as confirmation that you received this email.
LaKeshia
Program Specialist
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